

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re BAYCOL PRODUCTS LITIGATION	:	MDL No. 1431
	:	(MJD/SRN)
This Document Relates to:	:	
	:	
<i>Patricia Cook, et al. v. Bayer Corp., et al.</i>	:	Case No. 05-0196
	:	

**DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS**

PLEASE TAKE NOTICE that defendants Bayer Corporation and SmithKline Beecham Corporation d/b/a GlaxoSmithKline move the Honorable Judge Michael J. Davis, United States District Court, U.S. Courthouse, Suite 14E, 300 South Fourth Street, Minneapolis, Minnesota, under Federal Rules of Civil Procedure 12(b)(5) and 41(b), to dismiss the claims of plaintiff William Chavanell for failure to effect proper service and failure to prosecute his case. The reasons supporting defendants' Motion are more fully outlined in the accompanying Memorandum.

WHEREFORE, Defendants Bayer Corporation and SmithKline Beecham Corporation d/b/a GlaxoSmithKline respectfully request that this Court grant their Motion and dismiss William Chavanell's claims without prejudice.

Dated: March 26, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David L. Barlett, certify that true and correct copies of the foregoing Defendants' Motion to Dismiss, supporting memorandum, proposed order, Local Rule 7.1 certificate, and exhibits were electronically filed and served on March 26, 2008.



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